

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRIARCH ARCHITECTURAL SERVICES,
P.C. and TRIARCH, INC.,

Civ. No. 1:11-CV-02708 (AKH)

Plaintiff,

-against-

MEDALLION INC., VLADIMIR
VORONCHENKO and GARTH HAYDEN
ARCHITECT,

AFFIDAVIT OF
ALBERT WESLEY MCKEE

Defendants.

-----X
STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

I, Albert Wesley McKee, Esq., hereby certify as follows:

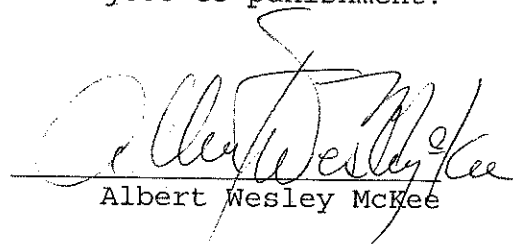
1. I am an attorney at law admitted to practice in the Southern District of New York, am a partner in the firm of Gogick, Byrne & O'Neill, LLP, attorneys for defendant Garth Hayden Architect, and am responsible for the day-to-day handling of this matter. As such, I have personal knowledge of the within matters.
2. Annexed hereto as Exhibit "A" is a true and complete copy of the Complaint filed on April 20, 2011, inclusive of Exhibits A and B thereto.
3. Annexed hereto as Exhibit "B" is a true and complete copy of the Amended Complaint, inclusive of Exhibits A through D thereto.

4. Annexed hereto as Exhibit "C" is a copy of the plans of Garth Hayden dated June 15, 2008, stamped "acceptable for permit" on June 26, 2008.
5. Annexed hereto as Exhibit "D" is a copy of the contract between Triarch, Inc. and Medallion, Inc.
6. Annexed hereto as Exhibit "E" is a true and accurate copy of Triarch's plans dated December 18, 2008.
7. Annexed hereto as Exhibit "F" is a letter dated January 27, 2009, terminating the services of Triarch.
8. Annexed hereto as Exhibit "G" is a copy of the State Complaint filed by Triarch Architectural Services, P.C. against Medallion, Inc.
9. Annexed hereto as Exhibit "H" is a true and accurate copy of the condensed version of the deposition of Stephan Corelli.
10. Annexed hereto as Exhibit "I" is a true and accurate copy of the condensed version of Day 1 of the deposition of Michaela Deiss, dated May 10, 2012.
11. Annexed hereto as Exhibit "J" is a true and accurate copy of an email exchange dated August 25, 2008.
12. Annexed hereto as Exhibit "K" is a true and accurate copy of the condensed version of the deposition of Gary Braverman.
13. Annexed hereto as Exhibit "L" is a true and accurate copy

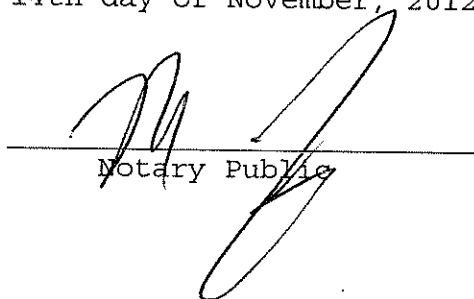
of an email exchange dated September 3, 2008.

14. Annexed hereto as Exhibit "M" is a true and accurate copy of the condensed version of the deposition of Vladimir Voronchenko.
15. Annexed hereto as Exhibit "N" is a true and accurate copy of an email exchange dated September 16, 2008.
16. Annexed hereto as Exhibit "O" is a true and accurate copy of an email exchange dated September 25, 2008.
17. Annexed hereto as Exhibit "P" is a true and accurate copy of the condensed version of the deposition of Garth Hayden.
18. Annexed hereto as Exhibit "Q" is a true and accurate copy of the condensed version of the second day's deposition of Michaela Deiss, dated May 18, 2012.
19. Annexed hereto as Exhibit "R" is a true and accurate copy of the condensed version of the deposition of Pepe Calderin.
20. Annexed hereto as Exhibit "S" is a true and accurate copy of the amended plans filed by Garth Hayden in August of 2009.
21. Annexed hereto as Exhibit "T" is a true and accurate copy of an email dated July 8, 2009 with attachments.

I certify that the above statements are accurate to the best of my knowledge, and I am aware that if any of the above statements are willfully false, I am subject to punishment.


Albert Wesley McKee

Sworn to before me this
14th day of November, 2012.


Notary Public

MAGEDA T. FARHOUD
Notary Public State of New York
No. 01FA6155463
Qualified in Kings County
Commission Expires November 13, 2014